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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,374	04/16/2004	Kiyoyuki Narimatsu	119469	8392
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OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER MALLARI, PATRICIA C	
			ART UNIT 3736	PAPER NUMBER
DATE MAILED: 08/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/825,374

Applicant(s)

NARIMATSU, KIYOYUKI

Examiner

Patricia C. Mallari

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/16/04, 5/23/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

Claims 1 and 3 are objected to because of the following informalities:

On line 4 of claim 1, "vital-information detected" should be replaced with "vital-signal detected".

On line 12 of claim 1, "a output" should be replaced with "an output".

On line 12 of claim 1, "control" should be replaced with "controlling".

On line 15 of claim 1, "printer print" should be replaced with "printer prints".

On line 17 of claim 1, "was" should be replaced with "is".

On line 9 of claim 2, "was" should be replaced with "is".

On line 11 of claim 3, "a vital signal" should be replaced with "the vital signals".

On lines 11-12 of claim 3, "all the vital-information was" should be replaced with "the plurality of species of vital-information are".

On line 13 of claim 3, "means, the" should be replaced with "means, and the".

On the last line of claim 3, "was" should be replaced with "is".

On line 2 of claim 4, "claim 1" should be replaced with "claim 3", since claim 4 refers to a "plurality of vital-information," wherein such a plurality is a feature of claim 3 but not of claim 1.

On line 4 of claim 4, "vital-information" should be replaced with "species of vital-information".

At the very end of line 6 of claim 4, "indicating a message" should be replaced with "indicating a message on the display".

On line 7 of claim 4, "the judgement" should be replaced with "judgment".

On lines 8-9 of claim 4, "on the display" should be deleted.

On line 9 of claim 4, "vital signals" should be replaced with "the vital signal".

On line 10 of claim 4, "was" should be replaced with "is".

On line 17 of claim 4, "was" should be replaced with "is".

On line 19 of claim 4, "said vital-information" should be replaced with "said plurality of species of vital-information".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites, "the measurement results judging means judges the each vital-information of said plurality of species whether or not a vital signal used for judgment if the vital-information is a signal normally measured." It is unclear what is meant by this limitation. It seems, based on the specification, that the claim language is meant to set forth that the measurement results judging means judges, for each of a plurality of vital-information that is determined, whether the measured vital-signal(s) used to determine the vital-information is a signal normally measured. If such is the case, lines 4-7 of claim 3 should be replaced with "the measurement results judging means judges, for

each vital-information determined, whether or not a vital signal used for judgment of the vital-information is a signal normally measured". For the purposes of this examination only, the examiner will interpret the limitation in this way. If an altogether different meaning is intended, the applicants should amend the claim to reflect clearly that intended meaning.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,463,764 to Anderson et al. Anderson teaches a vital-information measuring device comprising a vital signal sensor 18, 24, 26, 28, a vital information determining means 30 for determining a vital-information based on the vital signal detected by the vital signal sensor, and a printer for outputting vital-information determined by the vital-information determining means (fig. 2; col. 5, line 4-col. 6, line 17 of Anderson). A measurement results judging means judges whether or not the vital signal measured by the vital signal sensor 18, 24, 26, 28 is a signal normally measured based on predetermined judging criterion (figs. 5c, 5d; col. 5, lines 38-44; col. 7, lines 34-42; col. 8, lines 11-23; col. 10, lines 25-30 of Anderson). An output control means 66 controls the printer, such that the printer prints out the vital-information when the measurement of the vital signal was judged as being normal and the printer does not

print out the vital-information when the measurement of the vital signal was judged as not being normal (col. 6, lines 14-18; col. 7, lines 34-42 of Anderson). With regard to the operation of the output control means 66, the control means 66 discards the signal when the measurement is deemed abnormal such that there is no corresponding information determined for abnormally measured signals and therefore the printer does not print such information since there is no such information to print.

Regarding claim 3, the vital-information determining means 30 determines a plurality of species of vital information (col. 5, line 62-col. 6, line 10 of Anderson). The measurement results judging means judges whether each of a plurality of vital-signals, wherein the vital-signals are used to determine a plurality of species of vital-information, is a signal normally measured (col. 5, line 38-col. 6, line 10; col. 7, line 34-42 of Anderson). The output control means 66 controls the printer so as to automatically output the vital-information determined by the vital-information determining means when the measurement of a vital signals used for determination of the plurality of species of vital-information is deemed normal by the measurement results judging means and does not control the printer to output the plurality of vital-information determined by vital-information determining means when measurement of the vital signal used for determination of at least one of the vital-information is judged as not being normal (figs. 5c, 5d; col. 5, lines 38-44; col. 6, lines 14-18; col. 7, lines 34-42; col. 8, lines 11-23; col. 10, lines 25-30 of Anderson).

***Allowable Subject Matter***

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 2 and 4, the prior art of record fails to teach or fairly suggest a vital-information measuring device comprising an output command button for being operated by an operator in order to print out the vital-information for the printer, wherein, when the output command button is operated, even if the measurement of the vital signal has been judged as not being normal by the measurement results judging, said output control means controls the printer so as not to output said vital-information, in combination with all of the other limitations of the claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


US Patent No. 3,977,394 also discloses a vital-information measuring device wherein an output control means controls the printer such that the printer prints out vital-information determined from a measured vital signal when measurement of the vital signal is judged as being normal and the printer does not print out the vital-information if the measurement of the vital signal is judged as being not normal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia C. Mallari whose telephone number is (571) 272-4729. The examiner can normally be reached on Monday-Friday 10:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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